

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RUBEN E. VASQUEZ,

No. C 07-04250 WHA

Petitioner,

v.

**ORDER DENYING
ADMINISTRATIVE MOTION
TO RELATE CASES**

THOMAS FELKER, Warden,


Respondent.

The Court has reviewed respondent's motion to relate two actions involving the Section 2254 habeas petitions of co-defendants Ruben Vasquez and Miguel Galindo Sifuentes. Based on review of the claims asserted in petitioner Sifuentes' fourth amended petition, this order finds that there is no predominance of issues between the two actions. The *Vasquez* case involved claims of violation of constitutional rights due to the prosecutor's use of peremptory challenges to strike African-American prospective jurors based on their race and the removal for cause of eleven prospective jurors on the ground that they failed to disclose their prior criminal histories in their questionnaires. In contrast, it appears that, Sifuentes' fourth amended petition brings claims for the prosecutor's removal for cause of jurors on the basis of their race, the application of California's felony murder rule in violation of the eighth amendment and right to jury trial, and violation of due process when several jurors slept through key portions of the trial, in addition to a *Batson* claim regarding the prosecutor's use of peremptory challenges to strike jurors on the basis of race. Although there is a potential overlap on one claim, this order finds

1 that there will not be unnecessary duplication of labor and expense or conflicting results if the
2 cases are conducted before different judges. The motion to relate the two cases is **DENIED**.

3
4 **IT IS SO ORDERED.**

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6 Dated: November 21, 2012.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE